

To : Fairfax County Board of Supervisors

From : Gerry Hyland, Supervisor
Mount Vernon District

Subject: **BOARD MATTERS for December 4, 2012**

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For your consideration, I submit the following Board Matters accompanied by a brief explanation. Your support will be appreciated.

- 1. Request for Information on Current Legal Authority Regarding Employment Practices and Facility Maintenance Related to Smoking in Fairfax County**
- 2. Authorization and Concurrence for the Newington Bus Facility at 8101 Cinder Bed Road**

1. Request for Information on Current Legal Authority Regarding Employment Practices and Facility Maintenance Related to Smoking in Fairfax County

Background

My comments at the October 30, 2012 Board of Supervisors' meeting are similar to Board Matters I have introduced throughout the 1990s and early 2000s to encourage our employees to live a healthier lifestyle. Since I posed the questions to have the County Attorney look into permissible actions we may take to encourage smokers to quit, the media reports have run the gambit from telling me to butt-out of people's personal lives, to others saying how it is a drag they do not get frequent breaks from work and further that they have to pay higher health insurance premiums.

Many chronic diseases are preventable and are one of the major drivers in our steadily increasing health care costs. Encouraging our employees to live healthier lifestyles has a direct impact on our costs to carry out government functions. Many other jurisdictions across the country have taken action to regulate smoking. Montgomery County, Maryland is considering a prohibition from smoking on government property. The Virginia Indoor Clean Air Act prohibits smoking in many public buildings and places. Fairfax County prohibits our public safety employees from using any tobacco products and we also prohibit smoking in county owned vehicles. Additionally, Fairfax County offers smoking cessation classes to our employees with moderate success.

Expanding on my request on October 30, I would like the County Attorney to respond to the following questions:

- Does Virginia law authorize Fairfax County to prohibit smoking on all county property, not limited to inside government buildings?
- May Fairfax County consider the applicants use of tobacco products in hiring decisions?
- May Fairfax County require, as a condition of employment, the abstinence of use of tobacco products?
- May Fairfax County require a new employee who smokes to agree to participate in a program designed to help smokers quit?

Many people may object to these suggestions; however our goal should be to find more ways to discourage county employees from smoking, reduce our overall costs as a county, and encourage and support healthy habits.

Proposed Action

Therefore, Madam Chairman, I move that the Board of Supervisors direct the County Attorney to respond and advise the Board of Supervisors on the aforementioned questions.

2. Authorization and Concurrence for the Newington Bus Facility at 8101 Cinder Bed Road

Background

Madame Chairman, the Department of Public Works and Environmental Services (DPWES) is currently working with the Fairfax County Department of Transportation (FCDOT) on construction plans for renovations and minor addition to the existing Newington Bus Facility at 8101 Cinder Bed Road in Newington (Tax Map 99-2((15)) 2). The Newington Bus Facility is operated by the FCDOT's Fairfax Connector and the property is owned by the Board of Supervisors. A Special Permit is required to allow a 2,200 square foot building addition to be located within the front yard lot set back limits along Allen Park Road. The addition will enclose the existing fueling lanes and fare removal area to enhance the efficiency of bus processing operations. The property is zoned I-5 and is located in the Springfield Planning District.

Proposed Action

Therefore, I move that the Board:

- Authorize and concur in the filing of any and all necessary zoning applications/permits, including the determination under Section 15.2-2232 of the Code of Virginia, to facilitate the construction of this facility; and
- Designate staff from the Department of Public Works and Environmental Services (DPWES) to act on behalf of the Board as its representative agent to file and process these applications with the Department of Planning and Zoning.

This motion should not be construed as a favorable recommendation on any application by the Board, and does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. This action in no way prejudices the substantive review of the application.